

**- PRELIMINARY VERSION -**

**EU instruments for conflict prevention**

*Javier Niño Pérez*

April 2005

*Administrator, European Commission, DG External Relations, Conflict prevention, crisis management and ACP political issues Unit. All view expressed are the author's only. This contribution has been adapted from an earlier article by the author, see "EU instruments in conflict prevention" in The European Union and Conflict Prevention: Policy and Legal Aspects, TMC ASSER PRESS, 2004.*

WORKING PAPER

.....

© Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) 2005.

Felipe IV, 9 1º Dcha. 28014 Madrid - SPAIN  
Tel: +34 915 22 25 12 – Fax: +34 915 22 73 01  
E-mail: [fride@fride.org](mailto:fride@fride.org)

The *Working Papers* are available in print, in both Spanish and English.  
All FRIDE publications are available on the FRIDE website: [www.fride.org](http://www.fride.org)

The views expressed by the author of this document do not necessarily reflect the opinion of FRIDE.

## **Abstract**

This paper examines the array of tools and mechanisms of the EU in the field of conflict prevention, contrasting short-term and long-term instruments whilst looking in particular at the case of sanctions and military preventive deployments. The number, nature and scope of these instruments have significantly evolved over time to take account of the constant developments of the European integration process and notably the increasingly important role of the EU in the area of foreign policy. Nonetheless, the EU still faces the challenge of approaching, in an effective manner, the whole range of conflict prevention and crisis management strategies and of integrating in its overall preventive strategy the new instruments introduced by the Common Foreign and Security Policy and the European Security and Defense Policy.



## CONTENTS

<b>Introduction.....</b>	<b>1</b>
<b>1. Short-term instruments and long-term instruments within the EU .....</b>	<b>1</b>
1.1. Long-term instruments .....	1
1.2. Short-term instruments .....	2
1.3. Long-term versus short-term instruments .....	5
<b>2. The case of EU/EC sanctions and military capabilities (preventive deployments): can they prevent conflicts?.....</b>	<b>5</b>
2.1. Sanctions.....	6
2.2. Preventive Deployments.....	8
2.3. The EU and Preventive military deployments.....	9
2.4. Sanctions and Preventive deployments as effective conflict prevention instruments .....	9
<b>3. Should there be a consistent classification of conflict prevention instruments within the EU (short-term vs. long-term instruments, civil vs. military)? .....</b>	<b>10</b>



## Introduction

The EU has at its disposal a large and formidable array of tools and mechanisms in the field of conflict prevention. The number, nature and scope of these instruments have significantly evolved over time to take account of the constant developments of the European integration process and notably the increasingly important role of the EU in the area of foreign policy.

The many tools the EU can bring into play to address the prevention, management and resolution of violent conflict could be examined from different angles using a number of diverse conceptual categories. We will herewith be contrasting short-term and long-term instruments and look in particular at the case of sanctions and military preventive deployments. This approach has the advantage of allowing us, whilst examining these instruments, to address two challenges of paramount importance that the EU is currently confronted with pertaining to the need to: (i) approach, in an effective manner, the whole range of conflict prevention and crisis management strategies and (ii) to integrate in its overall preventive strategy the new instruments introduced by the Common Foreign and Security Policy and the European Security and Defence Policy.

### 1. Short-term instruments and long-term instruments within the EU

EU policy in this field deviates from the linear approach to violent conflict, which suggests that only efforts to forestall the outbreak of violence and thus keeping the conflict latent, are regarded as prevention. The EU has acknowledged that the rather cyclical and recurrent nature of conflict implies the need to devise and utilise instruments aimed at addressing:

- the social, economic and political circumstances underpinning conflicts, namely their “*root-causes*” as well as
- the most “*proximate causes*” that could lead to the outbreak or violent escalation of a conflict.

Thus, both the Goteborg Program for the Prevention of Violent Conflict and the

Communication from the Commission on Conflict Prevention refer to two categories of instruments. With a similar approach, the former differentiates between structural long-term and direct short-term preventive actions and the latter refers to long term prevention (“Projecting stability”) and short-term prevention (“Reacting quickly to nascent conflicts”) tools. Similarly a communication by the Swedish government<sup>1</sup> also refers to structural and direct measures in accordance with their respectively long or short-term impact on a given conflict.

#### 1.1. Long-term instruments

Structural or long-term instruments, which contribute to conflict prevention, fall primarily under the area of economic assistance or co-operation<sup>2</sup>. These are measures that “strengthen the society socially and economically, which may have a stabilising effect in situations where there is a tangible risk of armed conflict breaking out”.<sup>3</sup> Among the most relevant instruments available to the EU in this area we must cite development co-operation, trade, human rights/democratisation, environment policies, electoral observation and arms control.

*Development assistance* has been rightly described as “the most important contribution that can be made to preventing conflicts”.<sup>4</sup> The EU, which provides approximately half of the total financial assistance to developing countries covering all geographical areas of the world, has recognised the linkages between development, poverty and conflict and the paramount role of development co-operation in conflict prevention in a number of policy statements.

<sup>1</sup> Preventing Violent Conflict, Swedish Policy, Government Communication 2000/2001:2. Stockholm 19 October 2000, p.11

<sup>2</sup> It may be argued that any assistance aimed at increasing social and economic well-being within societies is relevant to conflict prevention, since it reduces social and economic tensions in the recipient country, provided that it is distributed equally within the societies concerned.

<sup>3</sup> Supra note 2, p. 30.

<sup>4</sup> Speech by Commissioner Nielson, “Building Credibility: The Role of European Development Policy in Preventing Conflicts”: Foreign Policy Centre, February 2001.

The EU's approach in this area aims at mainstreaming conflict prevention throughout the whole range of aid sectors - including transport, education, water, budgetary and macro-economic support - that can help to achieve structural stability, moving away from viewing conflict prevention as a distinct 'sector' requiring special projects or linked solely to specific areas of intervention such as the security sector.

In the context of the inevitable and dramatically hasty globalisation process, the EU *trade and economic co-operation policies* as a motor of economic growth and poverty reduction, can also play a major role contributing to conflict prevention. This can be done through strengthening regional co-operation as a tool to reduce political tensions, to increase economic inter-dependence and to create mutual trust between countries<sup>5</sup> and through capacity building and increasing market access (e.g. *GSP-Everything but arms initiative*).

The link between conflict prevention and *human rights and democracy* is abundantly clear. Just as denying basic rights can fuel violent conflict, helping to guarantee those rights can prevent conflict arising in the first place. The EU is also providing significant assistance in this area<sup>6</sup>.

Increasing attention in this area is being given to *environmental policies*, including management and access to natural resources as well as environmental degradation. These issues are being addressed primarily through regional and bilateral programs, implementation of Multilateral Environmental Agreements or specific initiatives such as the *Kimberley Process* dealing with illegal trade in diamonds.

Finally, electoral observation and assistance and arms controls/destruction activities can also play a very valuable role in avoiding violent conflict. A well-run election observation mission can reduce the opportunity for intimidation and conflict. The interest of utilising instruments against

<sup>5</sup> EU support to regional organisations such as Mercosur, the Andean Pact, the Gulf Co-operation Council, ASEAN, ECOWAS or SADC can be described a relevant examples

<sup>6</sup> The European Initiative on Democracy and Human Rights of the European Commission (EIDHR) on its own has funded projects amounting to 400 million euro for the last five years-  
[http://europa.eu.int/comm/europeaid/projects/eidhr/index\\_en.htm](http://europa.eu.int/comm/europeaid/projects/eidhr/index_en.htm).

proliferation of both small and mass destruction arms is self-evident given the destructive influence on political and social structures.

Whilst it has been acknowledged that economic assistance and co-operation instruments are the ones to have a more significant impact on a long-term approach to conflict prevention, one should not obscure the role that could be played by other measures relating to:

a) Political dialogue: A long-term dialogue on political issues, including human rights and democratisation can have an early warning role by highlighting problems which could in the future lead to violent conflict as well as contributing to their early resolution. In this respect, a new emphasis is being placed on the activities of special representatives and heads of EU diplomatic missions.

b) Tackling organised crime, drug trafficking and money laundering: These activities, which fall under the heading of Justice and Home Affairs (see below), have the long-term effect of creating greater stability. In the face of the increasing attention devoted to terrorist activities a number of initiatives have been undertaken in the recent years in the UN, G8 and other contexts. The challenge for the Union now is "to develop policy-making mechanisms which allow it to integrate these initiatives into its overall political approach to specific countries and regions, to assess their respective benefits, and to set priorities for the future"<sup>7</sup>.

## 1.2. Short-term instruments

In situations where preventive measures have either failed or where they have not been applied in the first place, there is a need to resort to short-term actions with the threefold objective of:

- reducing manifest tensions and/or prevent the outbreak or recurrence of violent conflict;
- preventing the vertical (intensifying of violence) or horizontal (territorial) escalation of existing violent conflict; and
- ending violent conflict

<sup>7</sup> Report by the High Representative /Commission on improving the Coherence and Effectiveness of EU Action in the Field of Conflict Prevention, December 2000  
(<http://ue.eu.int/solana/details.asp?BID=111&DocID=65350>).

These situations are often characterised by their complexity and rapid change and therefore necessitate flexible and speedy instruments.

The Union also has a broad range of diplomatic, economic and humanitarian instruments for short-term prevention. These include: political dialogue, sanctions, advocacy of specific measures and/or solutions, deployment of observers, preventive military intervention, support for peace initiatives, peace enforcement, demobilisation and disarmament, repatriation and reintegration, demining, post-conflict relief and humanitarian aid, confidence-building measures, conflict resolution initiatives, rebuilding government structures, etc.

A conceptual distinction should be made between crisis management activities as a general category and the disbursement of humanitarian aid to crisis areas. While the former constitutes an openly political activity, the provision of emergency relief for civilian populations affected by armed conflicts is inherently apolitical<sup>8</sup> and cannot be considered a conflict prevention tool.

The EU policy in this area initially focused on emergency and transitional relief measures including rehabilitation, food aid and food security, mine action, civil protection, rule of law and democratisation, assistance to refugees and their host communities and exceptional financial assistance. This aid is delivered through a combination of specialised sectoral as well as long-term geographic instruments.

But the initial approach to crisis response was dramatically modified by the development of a Common and Foreign security Policy and, within this, the emerging European Security and Defence Policy.

Thus, within the framework of the CFSP, a series of tools can be activated. These include:

- a) A number of diplomatic measures undertaken either in the framework of a Common strategy<sup>9</sup> or of a Common position<sup>10</sup>

<sup>8</sup> “Humanitarian aid, the sole aim of which is to prevent or relieve human suffering, is accorded to victims without discrimination on the grounds of race, ethnic group, religion, sex, age, nationality or political affiliation and must not be guided by, or subject to, political considerations” ( Council Regulation (EC) No 1257/97 on humanitarian aid).

<sup>9</sup> Common strategies are one of the frameworks of actions under the CFSP Pillar. They aim at establishing

on their own: declarations, demarches, high level visits, Special Envoys, support of action by other international organisations, diplomatic recognition, peace proposals, sponsoring of peace conferences, etc.

- b) The political dialogue to be carried out within the set of agreements concluded between the EU/EC and a number of third countries. These agreements often provide - in addition to development and co-operation assistance, trade, research and cultural co-operation issues - explicit references to human rights, rule of law and democratisation, terrorism and provide mechanisms for addressing disputes between the parties.

- c) Finally sanctions (other than those in the agreements), which will be dealt with more extensively in point iii, can also be used as a valuable tool to prevent conflict.

New actions relating to crisis management have also been introduced within the context of the European Security and Defence Policy (ESDP). Thus, the Cologne European Council meeting in June 1999 placed crisis management tasks at the core of the process of strengthening the ESDP. These are also known as the Petersburg tasks, so named after the place where the Western European Union (WEU) Ministerial Council that formulated them was held in June 1992. They are humanitarian and rescue tasks, peacekeeping tasks and combat-force tasks in crisis management, including peacemaking.

As far as military capabilities are concerned, in December 1999, the Helsinki European Council decided to create a Rapid Reaction Force of up to 60,000 troops capable of carrying out the full range of Petersburg tasks.

The Union also decided to develop the civilian aspects of crisis management in four priority areas defined by the Feira European Council in June 2000: police, strengthening of the rule of law,

---

long-term and comprehensive strategies for the Union towards a certain third country or region, or a given issue ( eg common strategies on Russia and Ukraine, respectively adopted in June and December 1999).

<sup>10</sup> Common positions describe the EU’s approach to a particular matter of geographic or thematic nature (eg common position on conflict prevention and resolution in Africa, June 1997).

strengthening civilian administration and civil protection<sup>11</sup>.

The first ESDP operation was launched on 1st January 2003: the European Union Police Mission (EUPM) in Bosnia and Herzegovina, which follows on from the UN's International Police Task Force established under the Paris/Dayton Agreement in 1995. On 18 March 2003, the Union decided to launch its first military operation. The aim of the EU-led Military Operation in the former Yugoslav Republic of Macedonia (fYROM), which follows on from NATO's "Allied Harmony" operation, is to contribute to a stable secure environment in fYROM, thus facilitating the implementation of the Ohrid Framework Agreement that is pivotal to the effort of the international community in fYROM. Initially expected to last for a period of six months, it was agreed by the Council on 21 July to extend it for a brief additional period until 15 December 2003, in line with the request made by the fYROM Government to the European Union.

In May 2003 the EU decided to launch the first EU-led military intervention outside Europe, Operation ARTEMIS to Bunia (Democratic Republic of Congo). The operation, was conducted in accordance with the United Nations (UN) [Security Council Resolution 1484](#) (30 May 2003) and the Council's [Joint Action](#) adopted on 5 June 2003. The Operation ended officially on 1st September 2003. The European military force worked in close co-ordination with the [United Nations Mission in DRC \(MONUC\)](#). It was aimed, inter alia, at contributing to the stabilisation of the security conditions and the improvement of the humanitarian situation in Bunia.

As requested by The Helsinki European Council, the Commission also set up a Rapid Reaction

---

<sup>11</sup> Concrete targets have been defined in those areas: Member States should be able to provide, in the field of police, 5 000 officers for international missions and to deploy 1000 of them within less than 30 days, 200 experts in the field of Rule of Law, a pool of experts covering a broad spectrum of functions in civilian administration and, for civil protection, 2 or 3 assessment teams that could be dispatched within 3-7 hours as well as intervention teams of up to 2000 persons for deployment at short notice.

Facility, called the Rapid Reaction Mechanism<sup>12</sup> which will for the short period of 6 months, untie the strings around Community instruments and will release their potential and focus where urgent conditions require quick action. The basis of the Mechanism are existing Community instruments capable of providing a large spectrum of actions and reactions. Community instruments will, in turn, remain the key of any possible follow-up measure, which might be required, after the first emergency operation has elapsed.

Initially (during 2001 and early 2002), RRM mainly focused on post-conflict stabilisation efforts. During 2002 and 2003 RRM programmes broadened in scope adding activities linked to conflict prevention and the fight against terrorism. Several missions and initial studies were launched in these fields and the conclusions fed into the Commission's Country and Regional Strategy Papers as well as specific programmes of action financed by RRM or other Community instruments. In becoming a more complete tool, RRM has taken on a more structured approach, integrating a wider range of actions at regional, national and local levels. This wider range of actions can be said to cover six major aspects of EU crisis intervention:

- *assessment of possible Community responses to a crisis.*
- *conflict prevention in countries and regions showing significant signs of instability*
- *acute crisis management.*
- *post-conflict reconciliation.*
- *post-crisis reconstruction.*
- *fight against terrorism.*

It is also worth noting that RRM has supported actions in all four areas of civilian crisis management as identified by the Feira European Council: *police, rule of law, civilian administration and civil protection*<sup>13</sup>.

---

<sup>12</sup> Council Regulation (EC) No 381/2001 of 26 February 2001 creating a Rapid Reaction Mechanism ([http://europa.eu.int/eur-lex/en/archive/2001/1\\_05720010227en.html](http://europa.eu.int/eur-lex/en/archive/2001/1_05720010227en.html) ).

<sup>13</sup> More detailed information on RRM activities so far can be found at [http://europa.eu.int/comm/external\\_relations/cfsp/news/ip\\_01\\_255.htm](http://europa.eu.int/comm/external_relations/cfsp/news/ip_01_255.htm).

### 1.3. Long-term versus short-term instruments

It should no longer be necessary to argue the merits of an approach to conflict prevention based primarily on long-term preventive action. A comprehensive preventive strategy “must first focus on the underlying political, social, economic, and environmental causes of conflict”<sup>14</sup>. Indeed, it is better to prevent a conflict than to be forced to try to control it, when it fails to deal with consequences. The annual costs to the international community of military and civilian measures in former Yugoslavia are estimated at not less than USD 7 billion, roughly the same amount of money the EC disbursed as development assistance to Sub-Saharan Africa in 2001<sup>15</sup>.

This approach to conflict prevention is also acknowledged in the new EU conceptual framework to conflict prevention. As stated by the Greek Minister of Foreign Affairs, Georgios Papandreou, “the only way to deal with conflict is to address effectively the root causes through a long-term structural prevention policy”<sup>16</sup>.

A strategy focused primarily on long term prevention should logically privilege long term instruments as they are best placed to address root causes of conflict action and therefore to have a more significant and sustainable impact on peace building strategies.

However, from a peace-building perspective, this strategy should also take due account of the very important role to be played by short-term instruments bearing in mind that:

- Although short-term instruments cannot provide sustainable solutions to violent conflict, they can contribute to stability for long-term conflict prevention work to take root,
- Preventive and reactive instruments frequently coincide, since preventing the (re-) escalation of a conflict, may also be understood in terms of

<sup>14</sup> Commission on Global Governance, 1995.

<sup>15</sup> *Annual Report on EC Development Policy and External Aid*, 2001 ([http://europa.eu.int/comm/europeaid/reports/index\\_en.htm](http://europa.eu.int/comm/europeaid/reports/index_en.htm)).

<sup>16</sup> EU Conference on Conflict Prevention in Helsingborg in August 2002,

reacting to a conflict *ex post facto*. This is particularly relevant in post-conflict situations. Measures such as the deployment of civil police are at the same time intended to both ‘manage’ the outcome of a violent conflict – restore order – and prevent the recurrence of an armed conflict by maintaining order and by allocating resources to institution-building, for example, to the strengthening of civilian administration<sup>17</sup>.

Ultimately, in a long-term, holistic approach, short-term/crisis management instruments are to be intrinsically linked with long-term/conflict prevention and peace building tools and therefore it is necessary to develop detailed approaches and ensure all synergies across the whole range of *long term-conflict prevention* and *short term-crisis management* strategies and actions.

## 2. The case of EU/EC sanctions and military capabilities (preventive deployments): can they prevent conflicts?

The means of preventive action can also be divided into positive strategies (i.e. promises, persuasion, and rewards) and negative strategies (i.e. threats, coercion and punishments).

Whilst positive strategies tend to be implemented through either political or economic actions, negative strategies can rely on all on three different types of instruments, i.e. political, economic, and military ones and constitute what is called “coercive diplomacy”, the aim of which is to produce positive results by targeting the relevant actor with a specific demand, a time limit for compliance with it, and a credible threat of punishment.

In “coercive diplomacy”, political tools are derived mostly from diplomatic practice: fact-finding, monitoring, mediation, influence, promises, and threats. Economic tools rely on the manipulation of material costs and benefits by cutting off economic ties, promising their re-establishment, or providing outright rewards. Finally, military instruments boil down to the use of force or its threats in the case the parties continue to deteriorate the confrontation.

<sup>17</sup> Saferworld/International Alert, Ensuring progress in the prevention of violent conflict: Priorities for the Greek and Italian Presidencies, 2003

Both sanctions and preventive military deployments can be described as active negative strategies.

## 2.1. Sanctions

Sanctions constitute a foreign policy instrument, not involving the use or threat of military force, employed by a state, a group of states or a regional or international organisation to induce a state or sometimes a rebel movement, to comply with international legal norms or bring to an end a course of action.

It is important to differentiate the concept of sanction from that of conditionality as the latter can also play role in conflict prevention strategies. Whilst both conditionality and sanctions are used to enforce compliance by their target with certain criteria, unlike sanctions, which are usually implemented reactively, conditionality imposes only a *threat* of punishment.

Sanctions have been described as a “complex, flawed, but indispensable tool”<sup>18</sup> and they have, by most assessments, demonstrated at best a mixed track record of effectiveness in influencing their targets and advancing international peace and security.

One of the most vexing questions about sanctions concerns their externalities or unintended effects. While sanctions may well impose palpable punishments for illicit behaviour, they have also resulted in significant costs for those who impose sanctions both in economic<sup>19</sup> and human suffering terms.<sup>20</sup> Yet another level of complexity is added by the difficulties of measurement. The frequent imprecision of the goals of sanctions complicates the task of setting standards for gathering and

<sup>18</sup> Keynote Address By Jayantha Dhanapala Under-Secretary-General for Disarmament Affairs, United Nations, Final Expert Seminar on Smart Sanctions -- The Next Step: Arms Embargoes and Travel Sanctions. Bonn International Centre for Conversion, Berlin, Germany 3-5 December 2000.

<sup>19</sup> On 12 October 2000, Bulgaria informed the Sixth Committee (Legal Affairs) of the UN General Assembly that its costs as a third State affected by Security Council sanctions were over \$10 billion.

<sup>20</sup> It should be noted that economic sanctions are also regularly – if not necessarily – complemented by exemptions applicable to exports of food and medical supplies in order to prevent the suffering of the civilian population in the target country.

evaluating evidence of their success or failure. Further complicating matters, sanctions have become controversial to an extraordinary extent in recent years. Both the partisans and critics of sanctions share some responsibility for permitting this diplomatic instrument to become the object of sloganeering. Such an environment is not at all conducive to objective assessments about sanctions, either in terms of the past impacts or the future potential.

Nevertheless, in spite of the complicating factors outlined above, it has been demonstrated that, when implemented on the basis of an international consensus and when credibly and effectively imposed, these instruments can indeed redress and deter grievous wrongs.

To some observers, the most sustained and ultimately successful modern example of sanctions have been the ones employed against the apartheid regime in South Africa. In this case, the initial mandatory UN Security Council-imposed arms embargo and the voluntary General Assembly-recommended oil embargo, were coupled with the financial sanctions that were imposed by the Commonwealth, EC and many individual countries and the informal restrictions imposed by the international financial community.

In order to address the many challenges above, the focus has been progressively placed on the so-called “smart sanctions”. This term is used to describe targeted instead of comprehensive sanctions. These targeted sanctions are designed to put pressure directly on those who are deemed to pose a threat to international peace or to human rights. Travel restrictions, bank account freezing and the like, directed at particular individuals in a leadership echelon are good examples of “smart sanctions”. Because they are formulated in such a way as to minimise their impact upon the well being of the civilian population, the concept of “smart sanctions” has won favour with development organisations and international agencies.

Sanctions - other than those regarding the suspension of agreements between the EC and third countries - currently available to the EU fall under three (partly overlapping) categories:

- Political and diplomatic sanctions: reduction of the scale of diplomatic representation, the severance of all diplomatic relations, suspension of official visits and

reduction/suspension of cultural and sports contacts or scientific co-operation.

- Restrictions imposed on cultural contacts and transport: flight bans and visa restrictions.
- Commercial/economic and financial sanctions: embargoes (either general or arms embargoes) the freezing of funds, restrictions on payments and capital movements and import and export restrictions.

EU sanctions can be adopted under the umbrella of a UN Security Council Resolution or autonomously. The legal nature of the measure adopted depends on the area covered. Thus, measures falling under Community competence are taken by an EC Act, whereas measures falling under Members States' competence are adopted by a Common position.

The EU has made extensive use of this instrument and as many as 18 countries have been subject to sanctions over the years<sup>21</sup>:

Afghanistan	FRY	Myanmar
Angola	Indonesia	Nigeria
Belarus	Iraq	Somalia
DRC	Liberia	Sierra Leona
Eritrea	Libya	Zimbabwe
Ethiopia	Moldova	

Given the economic importance of the EU, commercial and economic sanctions constitute the weightiest instruments of conflict prevention. In addition to economic sanctions, EU Member States can impose financial sanctions, namely bans on the movement of capital and on payments.

In line with the predominant doctrine, the EU policy in this area has evolved progressively to (i) privilege the use of smart sanctions – thus the EC/EU may impose financial sanctions selectively with a view to punishing specific individuals in a third country by freezing their personal funds abroad (e.g. Zimbabwe)<sup>22</sup>- and (ii) incorporate this instrument in more

<sup>21</sup> An overview of measures already adopted can be found at [http://europa.eu.int/eur-lex/en/lif/reg/en\\_register\\_18.html](http://europa.eu.int/eur-lex/en/lif/reg/en_register_18.html):

<sup>22</sup> [Council Common Position of 18 February 2002 concerning restrictive measures on Zimbabwe, \(2002/145/CFSP\)](http://www.mfsc.com.mt/mfsa/sanctions/313R.03.pdf)  
<http://www.mfsc.com.mt/mfsa/sanctions/313R.03.pdf>.

comprehensive conflict prevention strategy (e.g. FRY)<sup>23</sup>.

It is difficult to anticipate, at this point in time, the potential and possible use of “smart sanctions”. Thus, it is worth mentioning that, in the context of Regulation (EC) No 881/2002 of 27 May 2002, aimed at freezing funds and economic resources belonging to, or owned or held by persons and entities associated with Usama Bin Laden, the Al-Quaida network and the Taliban- the competence of the EU to impose sanctions on individuals and entities who are not necessarily linked with governments or regimes of third countries has been challenged. This issue is currently being considered by the Court of Justice of the European Communities.

From a general point of view, the main challenges concerning the use of sanctions remain:

1. the need to design sanctions in such a way as to ensure that they are properly targeted to achieve their political ends,
2. their enforcement,
3. the putting in place of an effective regime to monitor implementation and
4. to devise mechanisms permitting an evaluation of their impact.

<sup>23</sup> The series of sanctions initiated against the Federal Republic of Yugoslavia (FRY) from 1998-2000 was a concerted effort to support external relations policy with the range of economic levers at the EU's disposal. The measures adopted included an embargo on the sale and supply to the FRY of petroleum and certain petroleum products; a ban on trade and investments; a freezing of assets of close Milosevic associates in addition to visa restrictions; and a ban on international flights to and from Yugoslavia.

## 2.2. Preventive Deployments

Preventive military deployment can be defined as the deployment of military personnel with the intention of preventing a dispute (or, in some cases, emerging threat) escalating into armed conflict. Such deployment could occur on one side of border-internal or national crises - at the request of the State feeling threatened or on both sides - interstate disputes, at the request of one or more of the parties concerned.

Preventive deployment differs from traditional peacekeeping which typically supports or enforces a political solution that has already been reached. Preventive deployment, on the other hand, usually occurs without a settlement to govern the deployment of the multinational force.

The tasks of a preventive deployment force may include:

- Acting as an interpositional force to forestall violence
- Protecting the local delivery of humanitarian relief
- Assisting local authorities to protect and offer security to threatened minorities, to secure and maintain essential services (water, power) and to maintain law and order

Preventive deployment is a deterrent normally not designed to take on an attack. It provides conflicting parties with a solution that can be mutually acceptable and in some cases face-saving. Preventive deployment is most effective if it occurs along conflict fault lines; the clearest of these are international boundaries but they can also be internal conflict lines.

The United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia is a good example of a preventive deployment and the first mission in the history of United Nations peacekeeping to have a preventive mandate. UNPREDEP's unique preventive mandate derived from several Security Council Resolutions since December 1992. The mission's aim was to prevent disputes in its mandate area from turning into serious conflicts. UNPREDEP used a variety of means to accomplish this task, including troop deployment, mediation, negotiation, conciliation and other peaceful means.

UNPREDEP contributed to stabilise the host country's security situation through patrolling its

northern and western borders. The mission has been recognised as a significant instrument for facilitating dialogue, restraint and practical compromise between different segments of society. In the words of Secretary-General Annan<sup>24</sup>, UNPREDEP was “*a demonstration of what can be accomplished in the realm of conflict prevention when good offices and troop deployment are put to effective use*”.

Although preventive deployment can be provided it is done at the right time and with a clear mandate - an effective form of peacekeeping, and that results can be achieved even with a small, almost symbolic deployment of peacekeepers, this instrument has also a number of shortcomings.

Preventive deployment does not address a conflict's structural causes. A multinational force's stabilising and reassuring presence may push conflicting parties toward intransigence, delaying a political settlement. Additionally, preventive deployment requires a high degree of political will on the part of troop-contributing nations and can be hard to sell to domestic constituencies precisely because there is no crisis that appears to warrant the expense. This limits its use.

Furthermore, preventive deployment can undermine conflict resolution if it is not linked to diplomatic activity and the preventive force might get involved in the conflict, often on the side of the weaker side.

For many analysts, economic and in particular military means have a more limited validity, even though they may have to be used when political and diplomatic tools fail to achieve desired results<sup>25</sup>.

<sup>24</sup> International Workshop "An Agenda for Preventive Diplomacy: Theory and Practice" (Skopje, 16-19 October 1996).

<sup>25</sup> 131, Leatherman et al, 1996, "Making the Case for Cooperative Security", Book Review Essay, *Cooperation and Conflict* 31 (1): 129-42. On the other hand, the fact that political means, sometimes utilizing symbols and values, can seldom be used in isolation from economic and military instruments indicates a need to look at the interfaces of different strategies of influence.

### 2.3. The EU and Preventive military deployments

The initially exclusive economic and civilian nature of the European integration process limited de facto for many years the range of preventive-coercive means at the disposal of the EU to the political and economic area. Preventive military deployments should potentially be considered as new activity for the EU, to be placed in the broader context of the ESDP instruments.

The ESDP is a relatively new component of the EU's CFSP. It was not until 1998, partly due to the Kosovo conflict and the realisation of Europe's dependence on the US in defence matters, that the Union seriously started addressing its defence complement.

At a summit in Cologne in June 1999, EU leaders laid the foundation of the ESDP by agreeing that "the Union must have the capacity for autonomous action, backed by the credible military forces, the means to decide to use them and the readiness to do so, in order to respond to international crisis without prejudice to actions by NATO."

Subsequently, the Cologne and Feira Councils established that EU military capabilities should cover the 'full range of conflict prevention and crisis management tasks defined in the EU treaty'. Although in the Treaty there are no agreed procedures for use of preventive military deployments in most circumstances usually identified with the term, according to a number of commentators, the Cologne/Feira mandate includes the option of resorting to preventive military deployments by positioning forces along the borders of two states between which tension is rising or within a country when two or more sides are opposing and the risk of violent conflict is evident.

To date, the only EU attempt to carry out an operation of this nature occurred in 1997. At the time, no agreement could be reached on the deployment of police assets to Albania as part of a stabilisation package requested by the OSCE Representative, even after the EU had informally agreed to send a high-level inspection mission which recommended the despatch of a multinational protection force. Ultimately, Italy obtained a UN Security Council mandate and implemented a stabilisation program, Operation Alba, supported by a joint force of some 7000 soldiers drawn from Austria, Denmark, France, Greece, Italy, Romania, Spain and Turkey.

It is difficult to anticipate how regularly the EU will resort to this instrument as a crisis response tool in the future. Nevertheless, it would be reasonable to affirm that it will be difficult to forge agreement on preventive deployment where there are complex political circumstances in a country at risk. In the case, of 'high-end' operations involving combat forces, EU preventive deployment of military forces is not likely to have its desired political impact without a clear determination by the EU and the participating Member States. Other reactive instruments such as the deployment of civil police and measures taken in the field of the rule of law or non-military sanctions should precede military action, which is only to be used under extreme circumstances. And when resorting to military actions, ESDP should primarily be defined in terms of preventive defence—that is actions taken to prevent the conditions of conflict and create conditions of peace.

### 2.4. Sanctions and Preventive deployments as effective conflict prevention instruments

In spite of the efforts to limit the means and clarify the messages of coercive diplomacy, it contains a risk of escalation, which can damage its original constructive purpose. Moreover, it is difficult to gain international acceptance for unilateral pre-emptive actions unless there is strong proof available that the target is a genuine threat to international peace and security<sup>26</sup>.

Recently, it has been increasingly stressed that positive incentives are probably a more effective mode of influence than coercive punishments, although they also may be more expensive because their costs cannot be substituted.

But coercive diplomacy can work, as it has been proved in the past and on occasion, is truly the last resort to be activated in order to impede a crisis. Nevertheless, whenever resorting to negative or punitive measures, it should be born in mind that these instruments:

- work more effectively if they are placed in a wider conflict prevention strategy. In the words of Alexander L. George, the founding father of the concept: "whether coercive

<sup>26</sup> 32 Haas, Richard N. 1994. "Military Force. A User's Guide". Foreign Policy, No. 96: p. 21-37.

diplomacy will work in a particular case may depend on whether it relies solely on negative sanctions or combines threats with positive incentives and assurances". A combination of carrots and sticks may achieve outcomes not obtainable solely by punishments or their threats

- should contain pauses and controls that give the target time and opportunities to understand the preventive motives behind the tools used and the salient limits to honour if it wants to bring the preventive coercive action to an end. In addition, the terms of the preferred settlement of conflict must be clearly spelled out. This includes specific terms for ending the conflict, and provisions for their verification and enforcement to ensure that both parties hold to their commitments
- appear to be more effective if applied in an instrumental and moderate way to achieve limited goals rather than used harshly and comprehensively to publicly humiliate the target<sup>27</sup>.

### **3. Should there be a consistent classification of conflict prevention instruments within the EU (short-term vs. long-term instruments, civil vs. military)?**

Many conceptual categories can be used to examine all existing instruments in the field of conflict prevention: passive/active, positive/negative, economic/legal/political/military, institutional stability/ physical security, etc

In the case of the EU, the interest in contrasting long term to short term instruments relates to the need to broadly consider the conflict cycle. As the EU expands its fields of intervention to defence (ESDP) related areas, it also becomes necessary to address the role of the emerging military instruments as opposed to the civilian tools that the EU has been using since its inception.

---

<sup>27</sup> 33 Eland, Iva. 1995. "Economic Sanctions as Tools of Foreign Policy", in Cortright, David & Lopez, George A., eds. *Economic Sanctions. Panacea or Peacebuilding in a Post-Cold War World?* Boulder: Westview, pp. 29-42.

Nevertheless, whatever the interest of categorising conflict prevention tools and activities might be, rigid distinctions should be avoided as they might be misleading and hinder developing all possible synergies.

Many instruments can fall into different categories: thus, development co-operation can be a tool in a long-term peace building strategy through comprehensive aid programs but can equally be activated in a short-term perspective by rapidly re-prioritising funds.

Alexander L. George has pointed out that theory and generic knowledge are usually more helpful in the diagnosis of specific problems than in providing prescriptions for action. Theory and knowledge may, however, contribute to policy prescriptions when couched in terms of conditional generalisations which identify: "(1) the conditions that favour successful use of each particular instrument and strategy and (2) other conditions that make success very unlikely".

Beyond the categorisation of existing instruments, what ought to be borne in mind is that ultimately, only "multifaceted action"<sup>28</sup>, i.e. the employment of several diverse instruments in a co-ordinated way, provides a basis for an effective strategy of conflict prevention. Thus, the key to an effective policy remains good co-ordination of both the instruments of prevention and the policies of the actors and structures which govern them. In the case of the EU, this is quite a formidable challenge considering the rather unique and complex institutional setting in which these

---

<sup>28</sup> 34 , Lund, Michael S. 1996. *Preventing Violent Conflicts. A Strategy for Preventive Action*. P.85-86 Washington, D.C.: United States Institute of Peace Press. The author considers that "preventive diplomacy requires not just a strong enough combination of carrots and/or sticks but also the use of a variety of actions and instruments to address the various facets of a dispute. These actions must be closely coordinated among the third parties participating in the preventive efforts". Multifaceted actions is one of the five "more or less manipulable" factors that are often present in situations where emerging political disputes are handled through peaceful means. The other four are: Third-party timing, support from major players to mediation efforts, moderate leadership of leaders of disputing groups, and State autonomy.

different instruments operate and the fact that they must be used for partly new objectives that only recently have been incorporated to the area of preventing violent conflict (organised crime, terrorism, exploitation of natural resources etc).

Multifaceted action and the combination of existing instruments should be guided by a number of considerations:

- Long-term, structural instruments can have a more significant impact to a comprehensive approach to conflict prevention than short term-on-going/imminent crises oriented tools. The most successful peace-building strategy ever pursued by the EU has been the enlargement process. A proactive policy towards violent conflicts requires the EU to shift its focus from crisis management to conflict prevention, using primarily structural preventive measures.
  - The EU has endorsed an enlarged concept of security that transcends military security and an 'integrated' approach to conflict prevention. This concept entails the use of a combination of economic, political, legal and military instruments.
  - Military instruments can play a useful role in specific situations but ought to be considered as a last resort and be placed in a "defence as a peace building factor" perspective. Moreover, military operations alone will achieve little beyond temporary containment of a situation unless the conditions for the pursuit of broader objectives by civil actors are created.
  - There is a need to match resources to ambitions. There should be a narrowing of focus and a visible sequencing in the development of instruments.
  - A balance should be found between devoting resources to developing generic frameworks for conflict prevention and resources devoted to preventing the outbreak of actual conflicts in specific countries and localities. Working on early warning mechanisms can be as effective or even more effective than addressing given crisis situations.
- All EU external tools - and not only those traditionally labelled as conflict prevention oriented - can play a valuable role in order to prevent or manage conflict. Conflict prevention should be mainstreamed across all sectors and activities of the EU.
  - The use of conflict prevention instruments should not be limited to the economic sphere and regions closest to the EU. Beyond moral imperatives, in an increasingly interconnected world, there is a need to develop a peace-building strategy without geographical boundaries.
  - Given the key role that Member States will continue to play in the area of external relations and particularly in the field of CFSP, ensuring good co-ordination between the instruments of the Union and those of the Member States individually, will constitute one of the key elements to success in this area.



## WORKING PAPERS

.....

- 1 **A proposal for governance of the Gaza strip in the context of the announced Israeli withdrawal**  
*Toledo International Centre for Peace*, at the initiative of Prof. *Shlomo Ben-Ami*  
November 2004
- 2 **Ten years of the Barcelona Process: A Model for Supporting Arab Reform?**  
*Richard Youngs*  
January 2005
- 3 **Political Islam: Ready for Engagement?**  
*Emad El-Din Shahin*  
February 2005
- 4 **Integral Reform of the Foreign Service**  
*Carlos Espósito*  
February 2005
- 5 **Which Justice for Perpetrators of Acts of Terrorism? The Need for Guidelines**  
*Jessica Almqvist*  
March 2005
- 6 **Spain and Morocco: Towards a Reform Agenda?**  
*Richard Gillespie*  
April 2005
- 7 **Spanish Contribution to Peace-Building: Reasons and Recommendations for an Action Plan**  
*Luis Peral*  
April 2005
- 8 **EU instruments for conflict prevention**  
*Javier Niño Pérez*  
April 2005

## POLICY PAPERS

.....

- 1 **Europe in Iraq: from standoff to engagement?**  
*Richard Youngs*  
November 2004
- 2 **Towards a New Spanish Cooperation Policy**  
*Silvia Hidalgo y Fernando Espada*  
December 2004

FRIDE publications are available in print on request, in both Spanish and English.

**Individual publications can be ordered from**  
Felipe IV, 9 1º Dcha. 28014 Madrid - SPAIN  
Tel: +34 915 22 25 12 – Fax: +34 915 22 73 01  
E-mail: [biblioteca@fride.org](mailto:biblioteca@fride.org)

All FRIDE publications are available on FRIDE website: [www.fride.org](http://www.fride.org)

